

REMARKS

Claims 2-16, 19-34, 36-51, and 71-81 are currently pending in this application.

This response is transmitted with two months of the mailing of the final Office Action, accordingly Applicant requests an advisory action for this matter.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 2-16, 19-34, 36-51, and 71-81 under 35 U.S.C. § 103(a) as being unpatentable over article by Marc Gunther titled "The trouble with advertising". Applicant respectfully disagrees.

Gunther does not teach a system for sweepstakes entries with multiple point values assigned to different hyperlinks, furthermore there is no proper motivation to modify Gunther to do so. Applicant also believes that modifying the reference to match Applicant's claims teaches away from Gunther.

Gunther teaches a system where a media company website awards visitors to visit different pages within its own website:

"So why is Sportsline paying people to visit its site?" (Gunther, paragraph 3)

A site visitor is awarded with points for the exchange of goods, and automatic sweepstakes entries. Media websites are motivated to give awards

because there is high competition between other media companies for visitors and advertising on their sites:

"It's the latest evidence that challenging times lie ahead for media companies on the Internet, where competition for viewers and advertisers is cutthroat." (Gunther, paragraph 3)

As Examiner points out in the last Office Action, Gunther does not teach hyperlinks having different point values assigned to them. Furthermore, given the need for media companies to keep visitors from leaving their websites, there is no motivation to modify Gunther to do so.

The last office action stated:

"...it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included associating different point values to the different advertisers links because such a modification allow different advertisers to offer a higher point value to users who click on the links to their websites and therefore increase their traffic flow."

Applicant disagrees, because Gunther does not suggest linking to other websites, only different web pages within one media website. Gunther's teaching reflects the motivations in the reference, e.g. to keep visitors from leaving the media website to the competition. If the visitors left the media website to visit an advertiser website as Examiner suggests, then the media website would have less traffic flow. Simply stated, advertisements on the media

website's various web pages would have less viewers. Certainly once the visitor has left the media web site, it stands to reason that she may not return, or even visit a competitor. Thus, it is clear that a media website would not want a visitor to leave.

Furthermore, assigning different point values to different pages within the media website teaches away from Gunther. The Office Action's reasoning does follow Gunther's motivations, given the market conditions of the Internet, a large number of media websites and a few number of advertisers. Applicant believes that if a media website assigned different point values to web pages within its own website, it would be pitting advertisers against one another. A visitor would have no motivation to visit a page worth 1-point over a web page worth 3-points. Thus, the advertiser on the 1-point page would have no visibility. This would certainly not make an advertiser happy with a media website. There is no motivation for an advertiser to pay more for a higher point value, when the advertisers have market power. Clearly, a media company struggling for advertisers would not want to anger advertisers, given the fierce competition between media companies, and the many choices advertisers have:

"But advertisers have countless choices online, so the rates publishers can charge for ads are coming down. In essence, many new-media companies are buying eyeballs at high prices and selling them at low prices – not a good thing, even in the Through the Looking Glass world of Internet Economics."

Applicant teaches a sweepstakes system where points are tied to a sweepstakes entry. A user receives points by clicking on hyperlinks. Applicant's claims 71, 76, and 81, and all claims dependent therefrom, require the limitation that at least two of the hyperlinks have different associated point values. Gunther does not teach this claim limitation.

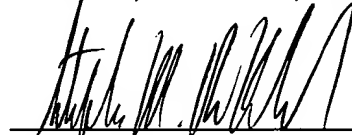
Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 2-16, 19-34, 36-51, and 71-81 under 35 U.S.C. § 103(a) as being unpatentable over Gunther.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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